IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JIMMY BRYAN, Plaintiff, v. RALPH LAUREN CORP., RALPH LAUREN RETAIL, INC., LEOHT, INC., and KICKSTARTER, INC., Defendants.	C.A. No. 4:15-cv-2395 **JURY TRIAL DEMANDED**

DEFENDANT RALPH LAUREN CORPORATION AND RALPH LAUREN RETAIL, INC.'S ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS

Defendants Ralph Lauren Corporation and Ralph Lauren Retail, Inc. (together, "Ralph Lauren"), by and through its attorneys, files this Answer and Counterclaims to Plaintiff Jimmy Bryan's ("Plaintiff") Complaint. Ralph Lauren denies the allegations and characterizations in Plaintiff's Complaint unless expressly admitted in the following paragraphs.

I. NATURE OF THE ACTION

1. Paragraph 1 states a legal conclusion to which no response is required. To the extent a response is required, Ralph Lauren admits that the Complaint purports to be a civil action for patent infringement of U.S. Patent No. 6,340,235 (the "'235 patent") and U.S. Patent No. 6,637,909 (the "'909 patent") (together, the "patents-in-suit"). Ralph Lauren further admits that what appears to be copies of the patents-in-suit are attached to the Complaint as Exhibits 1 and 2. Ralph Lauren denies the remaining allegations of Paragraph 1.

2. Ralph Lauren is without knowledge and information sufficient to admit or deny the allegations of Paragraph 2, and thus denies the same.

3. Ralph Lauren admits that the Complaint purports to seek injunctive relief and monetary damages, but denies that Plaintiff is entitled to any relief from Ralph Lauren. Ralph Lauren is without knowledge and information sufficient to admit or deny the remaining allegations of Paragraph 3, and thus denies the same.

II. GENERAL ALLEGATIONS AND PARTIES

4. Ralph Lauren is without knowledge and information sufficient to form a belief as to Plaintiff's residence. Ralph Lauren thus denies the allegations of Paragraph 4.

5. Ralph Lauren admits that Ralph Lauren Corporation is a corporation organized and existing under the laws of the State of Delaware. Ralph Lauren admits that Ralph Lauren Corporation has a place of business at 9 Polito Ave., Lyndhurst, NJ 07071. Ralph Lauren denies the remaining allegations of Paragraph 5.

6. Ralph Lauren admits that Ralph Lauren Retail, Inc. is a corporation organized and existing under the laws of the State of Delaware. Ralph Lauren admits that Ralph Lauren Retail has an office at 625 Madison Avenue, New York, NY 10022. Ralph Lauren denies the remaining allegations of Paragraph 6.

7. Paragraph 7 defines an abbreviation to which no response is required. To the extent a response is required, Ralph Lauren admits that Paragraph 7 defines Defendants Ralph Lauren Corporation and Ralph Lauren Retail, Inc. together as "Ralph Lauren," and denies the remaining allegations of Paragraph 7.

8. Ralph Lauren is without knowledge and information sufficient to admit or deny the allegations of Paragraph 8, and thus denies the same.

9. Ralph Lauren is without knowledge and information sufficient to admit or deny the allegations of Paragraph 9, and thus denies the same.

III. JURISDICTION AND VENUE

10. Paragraph 10 states a legal conclusion to which no response is required. To the extent a response is required, Ralph Lauren admits that the Complaint purports to be an action that arises under the Patent Laws of the United States, 35 U.S.C. §§ 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. Ralph Lauren also admits that this Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a). Ralph Lauren denies the remaining allegations of Paragraph 10.

11. Paragraph 11 states a legal conclusion to which no response is required. To the extent a response is required, Ralph Lauren denies the allegations of Paragraph 11.

12. Ralph Lauren denies the allegations of Paragraph 12.

13. Paragraph 13 states a legal conclusion to which no response is required. To the extent a response is required, Ralph Lauren admits that Plaintiff purports to base proper venue on 28 U.S.C. §§ 1391 and 1400(b). Ralph Lauren denies that venue is convenient in this judicial district. Ralph Lauren denies the remaining allegations of Paragraph 13.

IV. INFRINGEMENT OF U.S. PATENT NO. 6,340,235 (AGAINST ALL DEFENDANTS)[1]

14. No response is required to the general re-allegation and incorporation by reference of Paragraphs 1 through 13 of the Complaint. To the extent a response is required, Ralph Lauren incorporates by reference its responses to Paragraphs 1 through 13.

15. Ralph Lauren admits that the '235 patent, on its face, is titled "Adaptable Electric Accessory System for Containers, Receptacles, and the Like," and states its date of issue as January 22, 2002. Ralph Lauren further admits that what appears to be a copy of the '235 patent is attached to the Complaint as Exhibit 1. Ralph Lauren denies that the U.S. Patent and

[1] Headings are reprinted here with the same language as used in Plaintiff's Complaint simply for ease of reference, and do not constitute an admission by Ralph Lauren.

Trademark Office duly and legally issued the '235 patent, and the remaining allegations of Paragraph 15.

16. Paragraph 16 states a legal conclusion to which no response is required. To the extent a response is required, Ralph Lauren denies the allegations of Paragraph 16.

17. Paragraph 17 states a legal conclusion to which no response is required. To the extent a response is required, Ralph Lauren denies the allegations of Paragraph 17.

18. Paragraph 18 states a legal conclusion to which no response is required. To the extent a response is required, Ralph Lauren denies the allegations of Paragraph 18.

19. Ralph Lauren denies the allegations of Paragraph 19.

20. Ralph Lauren is without knowledge and information sufficient to admit or deny the allegations of Paragraph 20, and thus denies the same.

21. Ralph Lauren denies the allegations of Paragraph 21.

V. Infringement of U.S. Patent No. 6,637,909 (Against All Defendants)

22. No response is required to the general re-allegation and incorporation by reference of Paragraphs 1 through 21 of the Complaint. To the extent a response is required, Ralph Lauren incorporates by reference its responses to Paragraphs 1 through 21.

23. Ralph Lauren admits that the '909 patent, on its face, is titled "Adaptable Electric Accessory System for Containers, Receptacles, and the Like," and states its date of issue as October 28, 2003. Ralph Lauren further admits that what appears to be a copy of the '909 patent is attached to the Complaint as Exhibit 2. Ralph Lauren denies that the U.S. Patent and Trademark Office duly and legally issued the '909 patent, and the remaining allegations of Paragraph 23.

24. Paragraph 24 states a legal conclusion to which no response is required. To the

extent a response is required, Ralph Lauren denies the allegations of Paragraph 24.

25. Ralph Lauren denies the allegations of Paragraph 25.

26. Ralph Lauren is without knowledge and information sufficient to admit or deny the allegations of Paragraph 26, and thus denies the same.

27. Ralph Lauren denies the allegations of Paragraph 27.

VI. PLAINTIFF'S DEMAND FOR JURY TRIAL

28. Paragraph 28 states a legal conclusion to which no response is required. To the extent a response is required, Ralph Lauren admits that the Complaint purports to demand a trial by jury on all issues.

ANSWER TO PLAINTIFF'S PRAYER FOR RELIEF

Ralph Lauren denies that Plaintiff is entitled to the relief he seeks in Paragraphs 1 through 13 of Plaintiff's Prayer for Relief or any relief at all for the allegations made in the Complaint.

AFFIRMATIVE DEFENSES

Ralph Lauren pleads the following defenses in response to Plaintiff's allegations, undertaking the burden of proof only as to those defenses deemed affirmative defenses by law, regardless of how such defenses are denominated herein. Ralph Lauren reserves the right to allege additional defenses in the event that discovery or other analysis indicates that additional affirmative or other defenses are appropriate.

FIRST AFFIRMATIVE DEFENSE

29. Each purported claim for relief in the Complaint is barred for failure to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

30. Each asserted claim of the patents-in-suit is invalid for failure to comply with one

or more of the requirements of the United States Code, Title 35, including without limitation, 35 U.S.C. §§ 101, 102, 103, and 112, and the rules, regulations, and laws pertaining thereto.

THIRD AFFIRMATIVE DEFENSE

31. Ralph Lauren has not infringed and does not infringe, under any theory of infringement (including directly (whether individually or jointly), indirectly (whether contributorily or by inducement), or under the doctrine of equivalents), any valid, enforceable claim of the patents-in-suit.

FOURTH AFFIRMATIVE DEFENSE

32. To the extent that Plaintiff and any predecessors in interest to any of the patents-in-suit failed to properly mark any of their relevant products or materials as required by 35 U.S.C § 287, or otherwise give proper notice that Ralph Lauren allegedly infringes the patents-in-suit, Ralph Lauren is not liable to Plaintiff for the acts alleged to have been performed before it received actual notice that it was allegedly infringing the patents-in-suit.

FIFTH AFFIRMATIVE DEFENSE

33. To the extent that Plaintiff asserts that Ralph Lauren indirectly infringes, either by contributory infringement or inducement of infringement, Ralph Lauren is not liable to Plaintiff for the acts alleged to have been performed before Ralph Lauren knew that its actions would allegedly cause indirect infringement.

SIXTH AFFIRMATIVE DEFENSE

34. Plaintiff's attempted enforcement of the patents-in-suit against Ralph Lauren is barred by one or more of the equitable doctrines of laches, estoppel, acquiescence, waiver, and unclean hands.

SEVENTH AFFIRMATIVE DEFENSE

35. The claims of the patents-in-suit are not entitled to a scope sufficient to encompass any system employed or process practiced by Ralph Lauren.

EIGHTH AFFIRMATIVE DEFENSE

36. To the extent Plaintiff contends that it alleges a claim for indirect infringement (whether by inducement or contributorily), Plaintiff has failed to state a claim upon which relief can be granted.

NINTH AFFIRMATIVE DEFENSE

37. Ralph Lauren's actions in defending this case do not constitute an exceptional case under 35 U.S.C. § 285.

RESERVATION OF ADDITIONAL SEPARATE DEFENSES

Ralph Lauren reserves the right to assert additional defenses in the event that discovery or other analysis indicates that additional affirmative defenses are appropriate.

RALPH LAUREN'S COUNTERCLAIMS

For its counterclaims against Plaintiff, Ralph Lauren alleges as follows:

THE PARTIES

1. Counterclaim Plaintiff Ralph Lauren Corporation is a corporation organized and existing under the laws of the State of Delaware, with a place of business at 650 Madison Avenue, New York, NY 10022.

2. Counterclaim Plaintiff Ralph Lauren Retail, Inc. is a corporation organized and existing under the laws of the State of Delaware, with a place of business at 650 Madison Avenue, New York, NY 10022.

3. On information and belief, and based on Plaintiff's allegations in Paragraph 4 of

the Complaint, Jimmy Bryan is an individual residing in Houston, Harris County, TX.

NATURE OF THE ACTION

4. These Counterclaims arise under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.*, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202. Ralph Lauren seeks declarations that the claims of the patents-in-suit are not infringed and/or are invalid.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over these Counterclaims pursuant to 28 U.S.C. §§ 1331, 1337(a), 1338(a), 2201(a) and (b), and 2202, based on an actual controversy among the parties, arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq*. This Court has original jurisdiction over the subject matter of these claims under 28 U.S.C. §§ 1331, 1338(a), 2201, and 2202, as well as 21 U.S.C. § 355(c)(3)(D).

6. This Court has personal jurisdiction over Plaintiff based on, *inter alia*, Plaintiff's filing of this lawsuit in this jurisdiction. This Court also has personal jurisdiction over Plaintiff because he resides in Houston, Harris County, TX, and by virtue of, *inter alia*, having availed himself of the rights and benefits of a Texas law and having engaged in systematic and continuous acts with the State of Texas.

7. Based solely on Plaintiff's filing of this action, venue is proper, though not necessarily convenient, in this District pursuant at least to 28 U.S.C. §§ 1391 and 1400.

BACKGROUND

8. The '235 patent, on its face, is titled "Adaptable Electric Accessory System for Containers, Receptacles, and the Like," and states its date of issue as January 22, 2002.

9. The '909 patent, on its face, is titled "Adaptable Electric Accessory System for Containers, Receptacles, and the Like," and states its date of issue as October 28, 2003.

10. On information and belief, Plaintiff is the owner of the patents-in-suit.

11. On August 19, 2015, Plaintiff filed his original complaint alleging infringement by Ralph Lauren of the patents-in-suit.

FIRST COUNT
(DECLARATION OF INVALIDITY OF THE '235 PATENT)

12. Ralph Lauren incorporates by reference Paragraphs 1 through 11 as if fully set forth herein.

13. The claims of the '235 patent are invalid for failure to comply with one or more of the requirements of the United States Code, Title 35, including without limitation, 35 U.S.C. §§ 101, 102, 103, and 112, and the rules, regulations, and laws pertaining thereto.

14. A definite and concrete, real and substantial, justiciable controversy exists between Ralph Lauren and Plaintiff concerning the validity of the '235 patent, which is of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

15. Ralph Lauren is entitled to a judicial declaration that the '235 patent is invalid.

SECOND COUNT
(DECLARATION OF NONINFRINGEMENT OF THE '235 PATENT)

16. Ralph Lauren incorporates by reference Paragraphs 1 through 15 as if fully set forth herein.

17. Ralph Lauren has not infringed and does not infringe, under any theory of infringement (including directly (whether individually or jointly), indirectly (whether contributorily or by inducement), or under the doctrine of equivalents), any valid, enforceable claim of the '235 patent.

18. A definite and concrete, real and substantial, justiciable controversy exists between Ralph Lauren and Plaintiff concerning the alleged infringement by Ralph Lauren of the

’235 patent, which is of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

19. Ralph Lauren is entitled to a judicial declaration that the ’235 patent is not infringed.

THIRD COUNT
(DECLARATION OF INVALIDITY OF THE ’909 PATENT)

20. Ralph Lauren incorporates by reference Paragraphs 1 through 19 as if fully set forth herein.

21. The claims of the ’909 patent are invalid for failure to comply with one or more of the requirements of the United States Code, Title 35, including without limitation, 35 U.S.C. §§ 101, 102, 103, and 112, and the rules, regulations, and laws pertaining thereto.

22. A definite and concrete, real and substantial, justiciable controversy exists between Ralph Lauren and Plaintiff concerning the validity of the ’909 patent, which is of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

23. Ralph Lauren is entitled to a judicial declaration that the ’909 patent is invalid.

FOURTH COUNT
(DECLARATION OF NONINFRINGEMENT OF THE ’909 PATENT)

24. Ralph Lauren incorporates by reference Paragraphs 1 through 23 as if fully set forth herein.

25. Ralph Lauren has not infringed and does not infringe, under any theory of infringement (including directly (whether individually or jointly), indirectly (whether contributorily or by inducement), or under the doctrine of equivalents), any valid, enforceable claim of the ’909 patent.

26. A definite and concrete, real and substantial, justiciable controversy exists between Ralph Lauren and Plaintiff concerning the alleged infringement by Ralph Lauren of the '909 patent, which is of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

27. Ralph Lauren is entitled to a judicial declaration that the '909 patent is not infringed.

PRAYER FOR RELIEF

WHEREFORE, Ralph Lauren respectfully requests this Court to enter judgment in Ralph Lauren's favor and against Plaintiff by granting the following relief:

a) Dismissing Plaintiff's Complaint with prejudice and denying each request for relief made by Plaintiff;

b) Declaring that Plaintiff take nothing by its Complaint;

c) Entering a judgment in favor of Ralph Lauren and against Plaintiff;

d) Declaring all claims of the '235 patent invalid;

e) Declaring all claims of the '235 patent not infringed;

f) Declaring all claims of the '909 patent invalid;

g) Declaring all claims of the '909 patent not infringed;

h) Declaring that this case is exceptional under 35 U.S.C. § 285, and awarding Ralph Lauren its attorneys' fees, costs, and expenses in this action; and

i) Awarding Ralph Lauren such other and further relief as the Court deems just and proper.

JURY DEMAND

Ralph Lauren hereby demands trial by jury on all issues.

Dated: December 9, 2015

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service were served with a copy of Defendant Ralph Lauren Corporation And Ralph Lauren Retail, Inc.'s Answer, Separate Defenses, and Counterclaims via the Court's CM/ECF system per Local Rule 5.3 on December 9, 2015. Any other counsel of record will be served by email, facsimile transmission and/or first class mail.

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A. Martin Wickliff